

#7

RECEIVED

APR 12 2002

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Attorney Docket No.: A-68292-2/RMS/DHR

In re application of:)	Examiner:	Unkown
LUO et al.)	Group Art Unit:	1653
Serial No.:	09/843,159		
Filed:	25 April 2001		
For:	Tankyrase H, Compositions Involved in the Cell Cycle and Methods of Use		

Hand Delivered to the Office of Petitions:
on 9/12/02Signed: Ryuei M

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR § 1.137(b)**

U. S. Patent and Trademark Office
Office of Petitions
Arlington, VA 22202

Sir:

This Petition is in response to the Notice of Incomplete Reply mailed on March 6, 2002, and follows from a phone conversation with the USPTO's Initial Patent Examining Division on 29 March 2002.

Despite the lack of a Notice of Abandonment, the above-identified application became technically abandoned due to Applicant's incomplete reply to the Notice to File Missing Parts (mailed July 5, 2001) which was filed with the U.S. Patent and Trademark Office on December 27, 2001. Treatment of the mail for security purposes apparently destroyed the filed computer-readable sequence disk, and the formal drawings filed were objected to, prompting the issuance of a Notice of Incomplete Reply.

However, Applicants were not made aware that the reply filed in response to the Notice to File Missing Parts was incomplete until after the extended deadline for replying to the Notice to File Missing Parts (5 February 2002). Particularly, the Notice of Incomplete

Serial No.: 09/843,159
Filing Date: April 25, 2001
Page 2

Reply was mailed 6 March 2002, after the application was technically abandoned, which prompted a phone call from Applicants to the USPTO's Initial Patent Examining Division on 29 March 2002. The USPTO expressed that the application was technically abandoned, despite the lack of issuance of a Notice of Abandonment, and Applicants were advised to include a Petition to Revive Application with a Response to the Notice of Incomplete Reply.

Accordingly, Applicants hereby petition for revival of the above-identified application for patent due to the unintentional abandonment of the application under 37 CFR § 1.37(b).

Applicants submit herewith the fee for filing a petition to revive unintentionally abandoned application (\$640.00 - Small Entity).

In response to the Notice of Incomplete Reply mailed 6 March 2002, Applicants are filing a Response to Notice of Incomplete Reply, addressed to Assistant Commissioner for Patents, Box Missing Parts, which includes a copy of this Petition for Revival of Application for Patent, and formal drawings in compliance with 37 CFR §1.84(g). Applicants are filing a Transmittal of computer readable sequence disk, in compliance with 37 CFR §1.825(d), addressed to Assistant Commissioner for Patents, Box Sequence.

CONCLUSION

Applicants respectfully request consideration of this Petition for Revival of Application for Patent under 37 CFR 1.137(b).

Applicants note that the case is due for foreign filing on 25 April 2002 and are proceeding with that filing on the assumption that this Petition will be timely granted. At this time, Applicants do not believe that a Petition for Extension of Time, or extension of time fees, are required. However, should an extension or the payment of such fees become necessary, the Applicants so request the extension of time, and the Commissioner is hereby authorized to charge the deficiency in payment of the required fees to Deposit Account No.06-1300 (A-68292-2/RMS/DHR).

If the Commissioner has further unresolved issues after considering this Petition, the Commissioner is respectfully requested to phone the undersigned attorney.

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

Date: 4/12/02

Four Embarcadero Center, Suite 3400
San Francisco, California 94111-4187
Telephone: (415) 781-1989

Robin M. Silva

Robin M. Silva, Reg. No 38,304

1079075